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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD JENKINS, Individually	:	ECF
and on Behalf of All Other	:	08 Civ. 3527 (GBD)(DF)
Persons Similarly Situated,	:	
	:	
Plaintiffs,	:	
	:	
	:	
-against-	:	
	:	
NBC UNIVERSAL, INC.,	:	
EXECUTIVE PEGASUS LIMOUSINE, LLC,	:	
PEGASUS TRANSPORT SERVICE, INC.,	:	
CENGIZ TASDEMIR, RON JACOBovich,	:	
And JOHN DOES #1-10,	:	
	:	
Defendants.	:	
	:	
-----X		

DECLARATION OF JOHN E. JACKSON

DECLARATION OF PLAINTIFF JOHN E. JACKSON

I, **JOHN E. JACKSON** hereby declare under penalty of perjury under the laws of the United States of America that the following is true:

1. I was a limousine driver employed by Executive Pegasus Limousine, LLC, NBC Universal, Inc., Cengiz Tasdemir and Ron Jacobovich (together “Defendants”). I worked for Defendants from on or about July 2007 until March 28, 2008 (the “time period”).

2. I worked as a limousine driver for Defendants and drove most of my routes in New York State. Most of my routes commenced or ended at NBC locations in New York City including among others the following: NBC + MSNBC at 49 W. 49th Street, New York, N.Y. or 50 West 50th Street, New York, N.Y., Oxygen Media at 75 9th Ave.(between 15 & 16th St.) , New York, N.Y., NBC at 535 E. 45th Street, New York, N.Y. and the NBC Studio at 135 East 50th Street, New York, N.Y.

3. I never saw any notice posted indicating that van and/or limousine drivers were entitled to minimum wage and overtime.

4. Upon information and belief I worked for Defendants with at least 100 other similar limousine and van driver employees who had the same duties as myself.

5. My duties did not include managerial responsibilities or the exercise of independent business judgment.

6. During the time period, I worked an average of 45-50 hours per week.

7. Defendants first paid me an hourly wage of \$12.00 per hour and then on or about November 2007 increased my hourly rate to \$12.50.

8. Defendants did not pay me time and one half for any of my hours worked over 40 in a week (“overtime”).

9. I have attached hereto as Exhibit A paystubs showing that I worked more than 40 hours per week and was not paid time and one half.

10. Defendants did not pay me my regular hourly rate for all of the hours that I worked. Defendants often improperly deducted from my hours 45 minutes per day of break time on days when I worked through my lunch break. I generally worked through lunch and did not take a lunch break.

11. I electronically punched in and out of my job by placing my hand in a punchclock. On or about February 2008, I and the other the drivers also signed in to a logbook kept by the dispatcher in addition to doing the electronic hand check in.

12. The passengers that I drove told me that the Defendants were adding a charge to the bill as a gratuity. Nevertheless, I was never paid any gratuities or tips from Defendants even though, upon information and belief, the Defendants received the tips from the customer. Defendants never at any time paid to me any tips or gratuities.

13. In addition to myself, during the time period, I am aware and have personal knowledge of other persons employed by Defendants as limousine and van drivers who performed the same or similar work as myself. Upon information and belief, Defendants hired at least 100 of such similar van and limousine drivers.

14. I and the other similar van and limousine driver employees regularly worked more than 40 hours per week for Defendants.

15. I and these other similar van and limousine driver employees worked more than 40 hours per week and were not paid time and one half for our overtime hours.

16. I know that others like me worked overtime and were not paid overtime by Defendants because I observed the other van and limousine driver employees working more than 40 hours in a week and discussed the issue with certain of these other similar van and limousine driver employees, including Edward Jenkins, Rubin Rosario, Michael Sharpeson, who all said that they worked more than 40 hours per week and that Defendants did not pay them time and one half their regular hourly rate for their overtime hours and did not pay them even at their regular hourly rate for all the hours that they worked. They all have stated to me that they worked as van and limousine driver workers for Defendants and worked more than 40 hours per week and were not paid time and one half for their hours worked over 40 in a workweek.

17. I repeatedly complained to my supervisor, Ron Jacobovich, about not being paid time and one half for overtime. He told me that Defendants had a policy not to pay overtime at time and one half to any limousine driver employees.

18. Throughout the time period that I worked at Defendants, and, upon information and belief, both before that time and continuing until the present, Defendants have likewise employed other individuals, like myself, in positions as van and limousine driver workers.

19. Such individuals have worked in excess of 10 hours per day and/or 40 hours a week, yet the Defendants have likewise willfully failed to pay them overtime compensation of one and one-half times their regular hourly rate.

Dated: June 13, 2008



JOHN E. JACKSON

EXHIBIT A

DETACH ALONG PERFORATION

KEEP LOWER PART FOR YOUR RECORDS

EMPLOYEE NAME		COMPANY NAME			CLIENT NO.	EMP. NO.	SOCIAL SECURITY NO.	CHECK DATE	CHECK NO.
JOHN E. JACKSON		EXECUTIVE PEGASUS LIMOUSINE, LLC			4347	124	xxx-xx-2619	11/02/07	2300862
	GROSS PAY	TIPS & NON-PAY	TAXES	DEDUCTIONS	NET PAY AFTER TAX	DIR. DEPOSIT	CHK. AMT.	FED. TAXABLE	
THIS CHECK	691.56	0.00	126.92	0.00	564.64	0.00	564.64	691.56	
YEAR-TO-DATE	1,389.60	0.00	236.35	0.00	1,153.25	0.00	1,153.25	1,389.60	
Fed: M-01		St: NJ-B-01		Pay Period: 10/24/07 thru 10/30/07					
WAGES		HOURS	RATE	AMOUNT THIS CHECK	AMOUNT YEAR-TO-DATE	DEDUCTIONS AND TAXES		AMOUNT THIS CHECK	AMOUNT YEAR-TO-DATE
HOURLY WAGES		57.6300	12.0000	691.56	1389.60	Federal Withholding		56.09	92.00
Total Wages:				691.56	1389.60	FICA Withholding		42.88	86.16
						Medicare Withholding		10.03	20.15
						NJ State Withholding		11.52	22.18
						NJMEDMAL Local Withholding		0.00	3.00
						NJSDI Local Withholding		3.46	6.95
						NJ SUTA W/H		2.94	5.91
						Total Taxes:		126.92	236.35
<p>* Exempt from Federal W/H, FICA and Medicare</p> <p>** Exempt from Federal W/H</p>									

DETACH ALONG PERFORATION

KEEP LOWER PART FOR YOUR RECORDS

EMPLOYEE NAME		COMPANY NAME		CLIENT NO.	EMP. NO.	SOCIAL SECURITY NO.	CHECK DATE	CHECK NO.
JOHN E. JACKSON		EXECUTIVE PEGASUS LIMOUSINE, LLC		4347	124	xxx-xx-2619	10/26/07	2298272
	GROSS PAY	TIPS & NON-PAY	TAXES	DEDUCTIONS	NET PAY AFTER TAX	DIR. DEPOSIT	CHK. AMT.	FED. TAXABLE
THIS CHECK	557.04	0.00	92.52	0.00	464.52	0.00	464.52	557.04
YEAR-TO-DATE	698.04	0.00	109.43	0.00	588.61	0.00	588.61	698.04
Fed: M-01		St: NJ-B-01		Pay Period: 10/17/07 thru 10/23/07				
WAGES		HOURS	RATE	AMOUNT THIS CHECK	AMOUNT YEAR-TO-DATE	DEDUCTIONS AND TAXES		AMOUNT THIS CHECK
HOURLY WAGES		46.4200	12.0000	557.04	698.04	Federal Withholding		35.91
Total Wages:				557.04	698.04	FICA Withholding		34.54
						Medicare Withholding		8.08
						NJ State Withholding		8.83
						NJMEDMAL Local Withholding		0.00
						NJSDI Local Withholding		2.79
						NJ SUTA W/H		2.37
						Total Taxes:		92.52
								109.43
<p>* Exempt from Federal W/H, FICA and Medicare</p> <p>** Exempt from Federal W/H</p>								

KEEP LOWER PART FOR YOUR RECORDS

Please check this paystub to ensure that your name, address and social Security number are correct. This is the information which is used to generate your W2 and report your SSI earnings. If any changes need to be made, please contact your local administrator. If you need to correct your SS number, you must send us a copy of your SS card before the change can be made.

EMPLOYEE NAME		COMPANY NAME			CLIENT NO.	EMP NO.	SOCIAL SECURITY NO.	CHECK DATE	CHECK NO.
JOHN E. JACKSON		EXECUTIVE PEGASUS LIMOUSINE, LLC			4347	124	xxx-xx-2619	11/23/07	2306979
	GROSS PAY	TIPS & NON-PAY	TAXES	DEDUCTIONS	NET PAY AFTER TAX	DIR. DEPOSIT	CHK. AMT.	FED. TAXABLE	
THIS CHECK	521.40	0.00	83.41	0.00	437.99	0.00	437.99	521.40	
YEAR-TO-DATE	2,866.20	0.00	468.61	0.00	2,397.59	0.00	2,397.59	2,866.20	
Fed: M-01		St: NJ-B-01			Pay Period:11/14/07 thru 11/20/07				
WAGES		HOURS	RATE	AMOUNT THIS CHECK	AMOUNT YEAR-TO-DATE	DEDUCTIONS AND TAXES		AMOUNT THIS CHECK	AMOUNT YEAR-TO-DATE
HOURLY WAGES		43.4500	12.0000	521.40	2866.20	Federal Withholding		30.57	175.02
Total Wages:				521.40	2866.20	FICA Withholding		32.33	177.71
						Medicare Withholding		7.56	41.56
						NJ State Withholding		8.12	44.79
						NJMEDMAL Local Withholding		0.00	3.00
						NJSDI Local Withholding		2.61	14.34
						NJ SUTA W/H		2.22	12.19
						Total Taxes:		83.41	468.61
* Exempt from Federal W/H, FICA and Medicare									
** Exempt from Federal W/H									